

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. 01-014
September 19, 2001**

**Amendment to the Water Quality Control Plan for the Los Angeles Region
to Incorporate a Total Maximum Daily Load for Trash in the Ballona Creek and
Wetland.**

**WHEREAS, the California Regional Water Quality Control Board, Los Angeles
Region, finds that:**

1. The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality objectives which are sufficient to protect beneficial uses for each water body found within its region.
2. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc. and BayKeeper, Inc. was approved on March 22, 1999. This court order directs the USEPA to complete Total Maximum Daily Loads (TMDLs) for all impaired waters within 13 years. A schedule was established in the consent decree for the completion of the first 29 TMDLs within 7 years. The remaining TMDLs will be scheduled by Regional Board staff within the 13-year period.
3. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (Report No. EPA/440/4-91/001). A TMDL is defined as the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2). Regulations further stipulate that TMDLs must be set at levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7(c)(1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.
4. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan (40 CFR 130.6(c)(1), 130.7). This Water Quality Control Plan for the Los Angeles Region (Basin Plan), and applicable statewide plans, serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
5. Ballona Creek is located in Los Angeles County, California. Ballona Creek flows slightly over 10 miles from the City of Los Angeles, through Culver City, reaching the ocean at Playa del Rey. Adjacent to the downstream channel of Ballona Creek are the Marina del Rey Harbor, Ballona Lagoon, Venice Canals, Del Rey Lagoon, and Ballona Wetlands.

6. On January 25, 2001, the Regional Board adopted a Basin Plan Amendment (Resolution 01-006) incorporating the Los Angeles River Trash TMDL into the Water Quality Control Plan (Basin Plan) for the Coastal Watersheds of Los Angeles and Ventura Counties.
7. Staff have since proposed changes to the January 25, 2001 Los Angeles River Trash TMDL to provide clarifying language and greater flexibility in the TMDL implementation. The Los Angeles River Trash TMDL is to be used as a template for the Ballona Creek Trash TMDL.
8. On September 19, 2001, prior to the Board's action on this resolution, public hearings were conducted on the Los Angeles River Trash TMDL and the Ballona Creek Trash TMDL. Notice of the hearing for the Ballona Creek Trash TMDL was published in accordance with the requirements of Water Code section 13244. The first notice was published in the Los Angeles Times on June 21, 22, and 23, 2001, for a September 13, hearing. This hearing was rescheduled for September 19, 2001 and notice of this change was published in the Los Angeles Times on September 6, 2001.
9. The entire administrative record, from the Los Angeles River Trash TMDL, including the transcripts from the January 25, 2001 and September 19, 2001 public hearings, has been incorporated into the administrative record by reference for the Ballona Creek Trash TMDL to be considered for this resolution.
10. The public has had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include release of a preliminary draft of the Los Angeles River Trash TMDL on March 17, 2000, seven public workshops, meetings with every stakeholder who requested such (ten meetings), initial adoption of the Los Angeles River Trash TMDL on January 25, 2001, release of the initial Ballona Creek Trash TMDL on March 9, 2001, a public hearing on September 19, 2001, and responses from the Regional Board staff to oral and written comments received from the public.
11. In amending the Basin Plan, the Regional Board considered the factors set forth in sections 13240 and 13241 of the Water Code.
12. The amendment is consistent with the State Anti-degradation Policy (State Board Resolution No. 69-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Anti-degradation Policy (40 CFR 131.12).
13. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code section 21000 et seq.).
14. Revision of water quality objectives for trash is subject to approval by the State Water Resources Control Board, the State Office of Administrative Law, and the US Environmental Protection Agency.

THEREFORE, be it resolved that pursuant to sections 13240 and 13241 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

1. Amend Chapter 3 and Chapter 7 of the Los Angeles Region Water Quality Control Plan to incorporate the elements of the Ballona Creek Trash TMDL as described in Attachment A attached hereto and incorporated herein by this reference.

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on September 19, 2001.

Original signed by

Dennis A. Dickerson
Executive Officer

Attachment A to Resolution No. 01-014

Amendments
to the
Water Quality Control Plan – Los Angeles Region
for the
Ballona Creek Trash TMDL

Amendments:

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Ballona Creek Trash TMDL*

List of Figures, Tables and Inserts

Add:

Chapter 7. Total Maximum Daily Loads (TMDLs)

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Chapter 3. Water Quality Objectives

Regional Objectives for Inland Surface Waters

Floating Material

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A fifth paragraph will be added under Floating Material referencing specific guidelines for Ballona Creek. Additional narrative to read: "See additional regulatory guidelines described under the Ballona Creek Trash Total Maximum Daily Load (Chapter 7)."

Solid, Suspended, or Settleable Materials

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A fifth paragraph will be added under Solid, Suspended, or Settleable Materials referencing specific guidelines for the Ballona Creek. Additional narrative to read: "See additional regulatory guidelines described under the Ballona Creek Trash Total Maximum Daily Load (Chapter 7)."

Chapter 7. Total Maximum Daily Loads (TMDLs) Summaries Ballona Creek Trash TMDL*

This TMDL was adopted by:

The Regional Water Quality Control Board on September 19, 2001.

The State Water Resources Control Board on [Insert Date].

The Office of Administrative Law on [Insert Date].

The U.S. Environmental Protection Agency on [Insert Date].

The following table summarizes the key elements of this TMDL.

Table 7-3.1 Ballona Creek: Trash TMDL Elements

Element	Derivation of Numbers
<i>Problem Statement</i>	Trash in Ballona Creek is causing impairment of beneficial uses. The following designated beneficial uses are impacted by trash: water contact recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); wildlife habitat (WILD); estuarine habitat (EST); marine habitat (MAR); rare and threatened or endangered species (RARE); migration of aquatic organisms (MIGR); spawning, reproduction and early development of fish (SPWN); commercial and sport fishing (COMM); shellfish harvesting (SHELL); wetland habitat (WET); and cold freshwater habitat (COLD).
<i>Numeric Target</i> <i>(interpretation of the narrative water quality objective, used to calculate the load allocations)</i>	Zero trash in the creek and wetland.
<i>Source Analysis</i>	Stormwater discharge is the major source of trash in the creek.
<i>Loading Capacity</i>	Zero.
<i>Waste Load, Allocations</i>	Phased reduction for a period of 10 years, from existing baseline load to zero.
<i>Implementation</i>	This TMDL will be implemented through stormwater permits and via the authority vested in the Executive Officer by section 13267 of the Porter-Cologne Water Quality Control Act: Water Code section 13000 et seq.).
<i>Margin of Safety</i>	"Zero discharge" is a conservative standard which contains an implicit margin of safety.
<i>Seasonal Variations and Critical Conditions</i>	Discharge of trash from the storm drain occurs primarily during or shortly after a rain event of greater than 0.25 inches.

*The complete administrative record for the TMDL is available for review upon request.

Table 7-3.2 Ballona Creek Trash TMDL: Implementation Schedule.
(Default waste load allocations expressed as cubic feet of uncompressed trash and % reduction.)

Year	Baseline Monitoring/ Implementation	Waste Load Allocation	Compliance Point
1 10/1/01-- 9/30/02	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
2 10/1/02-- 9/30/03	Baseline Monitoring	No allocation specified. Trash will be reduced by levels collected during the baseline monitoring program.	Achieved through timely compliance with baseline monitoring program.
3 10/1/03-- 9/30/04	Baseline Monitoring (optional)/ Implementation: Year 1	90% (9,985 for the Municipal permittees, 1,472 for Caltrans)	No compliance point (target of 90%)
4 10/1/04-- 9/30/05	Baseline Monitoring (optional)/ Implementation: Year 2	80% (8,875 for the Municipal permittees, 1,308 for Caltrans)	No compliance point (target of 80%)
5 10/1/05-- 9/30/06	Implementation: Year 3	70% (7,776 for the Municipal permittees; 1,146 for Caltrans)	Compliance is 80% of the baseline load calculated as a rolling 3-year annual average (8,875 for the Municipal permittees; 1,308 for Caltrans).
6 10/1/06-- 9/30/07	Implementation: Year 4	60% (6,656 for the Municipal permittees; 981 for Caltrans)	70% of the baseline load the baseline load calculated as a rolling 3-year annual average (7,776 for the Municipal permittees; 1,146 for Caltrans).
7 10/1/07-- 9/30/08	Implementation: Year 5 ¹	50% (5,547 for the Municipal permittees; 818 for Caltrans)	60% of the baseline load calculated as a rolling 3-year annual average (6,656 for the Municipal permittees; 981 for Caltrans)
8 10/1/08-- 9/30/09	Implementation: Year 6	40% (4,438 for the Municipal permittees; 654 for Caltrans)	50% of the baseline load calculated as a rolling 3-year annual average (5,547 for the Municipal permittees; 818 for Caltrans).
9 10/1/09-- 9/30/10	Implementation: Year 7	30% (3,328 for the Municipal permittees; 491 for Caltrans)	40% of the baseline load calculated as a rolling 3-year annual average (4,438 for the Municipal permittees; 654 for Caltrans).
10 10/1/10-- 9/30/11	Implementation: Year 8	20% (2,218 for the Municipal permittees; 327 for Caltrans).	30% of the baseline load calculated as a rolling 3-year annual average (3,328 for the Municipal permittees; 491 for Caltrans).
11 10/1/11-- 9/30/12	Implementation: Year 9	10% (1,110 for the Municipal permittees; 164 for Caltrans).	20% of the baseline load calculated as a rolling 3-year annual average (2,220 for the Municipal permittees; 327 for Caltrans).
12 10/1/12-- 9/30/13	Implementation: Year 10	0 or 0 % of the baseline load.	10% of the baseline load calculated as a rolling 3-year annual average (1,110 for the Municipal permittees; 164 for Caltrans).
13 10/1/13-- 9/30/14	Implementation: Year 11	0 or 0 % of the baseline load.	3.3 % of the baseline load calculated as a rolling 3-year annual average (366 for the Municipal permittees, 54 for Caltrans).
14 10/1/14-- 9/30/15	Implementation: Year 12	0 or 0 % of the baseline.	0 or 0 % of the baseline load.

¹ A review of the current target will be allowed once a reduction of 50% has been achieved and sustained.

Table7-3.3. Ballona Creek Trash TMDL: Significant Dates.

30 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code.	Submit baseline monitoring plan(s).
120 days after receipt of the Executive Officer's request as authorized by Section 13267 of the Water Code.	List of facilities that are outside of the permittee's jurisdiction but drain to a portion of the permittee's storm drain system, which discharges to Ballona Creek.
Within the first 2 years after approval of this basin plan amendment; to be extended to 4 years at the option of the permittees	Collection of baseline data.
72 hours after each rain event	Clean out of and measurement of trash retained.
Every 3 months during dry weather	Clean out of and measurement of trash retained.